REMARKS

This Application has been carefully reviewed in light of the Final Office Action dated January 16, 2009 ("*Final Office Action*"). Claims 1, 3-20, 22-38, and 40-47 are pending and rejected in the Application. Applicant respectfully requests issuance of the pending claims.

Examiner's Use of Official Notice

In Applicant's previous Response transmitted November 12, 2008, Applicant traversed the Official Notice taken by the Examiner of particular claim elements that the Examiner asserts are well-known. Applicant explained that under M.P.E.P. § 2144.03 the Examiner cannot rely on Official Notice of the Examiner's knowledge of what is allegedly prior art without producing authority for such statements. In the *Final Office Action* the Examiner fails to address Applicant's traversal. Instead, the Examiner states that Applicant's traversal is deficient but does not provide any further explanation or any authority for the numerous instances of Official Notice in the *Final Office Action*. It remains Applicant's position that the Examiner's use of Official Notice is legally and procedurally deficient at least because the Examiner has yet to provide authority or a signed affidavit attesting to the subject matter of the Examiner's Official Notice as required by M.P.E.P. § 2144.03. For at least these reasons, Applicant respectfully requests that the Examiner withdraw the rejections based on Official Notice.

Objection to the Specification

In Applicant's previous Response transmitted November 12, 2008, Applicant traversed the Examiner's Objection to the Specification as allegedly failing to "disclose the term 'computer-readable medium'" recited in Claims 38 and 40-46. Again, in the *Final Office Action* the Examiner fails to address Applicant's traversal. Instead, the Examiner repeats the Objection to the Specification. *Final Office Action*, p. 2. It remains Applicant's position that while the particular term "computer-readable medium" may not be explicitly recited in Applicant's Specification, its meaning would be abundantly clear to one of ordinary skill in the art, both based on the ordinary meaning of the term itself and Applicant's Specification. For example, at least FIGURE 2 and Page 21, line 17 to Page 24, line 16 of Applicant's Specification is replete with discussion of processors, memory, and logic. One of ordinary skill in the art would understand that logic is generally embodied on a computer-

readable medium. For at least these reasons, Applicant submits that the Specification provides ample antecedent basis for the term "computer-readable medium" and respectfully requests that the Examiner withdraw the Objection to the Specification.

Claim Rejections Under 35 U.S.C. § 101

The Examiner rejects Claims 20 and 22-28 under 35 U.S.C. § 101 "because they fail to establish a statutory category of invention." *Final Office Action*, p. 2. Although Applicant respectfully traverses this rejection, Applicant has amended Claim 20. Accordingly, Applicant respectfully requests reconsideration and allowance of Claim 20 and its respective dependent claims.

Claim Rejections Under 35 U.S.C. § 103

A.   **Claims 1, 3-6, 9-11, 13-20, 22-25, 27, 29-33, 35, 37, 38, 40-42, 44, 46, and 47 are patentable over the *Melvin-Johnson-Bunce* combination**

The Examiner rejects Claims 1, 3-6, 9-11, 13-20, 22-25, 27, 29-33, 35, 37, 38, 40-42, 44, 46, and 47 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application No. 2003/0069920 to Melvin et al. ("*Melvin*") in view of U.S. Patent No. 6,684,395 to Johnson et al. ("*Johnson*") and in view of U.S. Patent No. 6,836,808 to Bunce et al. ("*Bunce*"). Applicant respectfully traverses this rejection and submits that *Melvin*, *Johnson*, and *Bunce*, whether taken alone or in combination, fail to teach or suggest each and every limitation of the claims.

Consider Applicant's independent Claim 1 which recites:

A system for packet processing, the system comprising:

a shared memory maintaining a plurality of code partitions, the code partitions together implementing a feature set for packet processing;

a plurality of processors each comprising a processor core and an instruction memory loaded with at least one of the code partitions from the shared memory, the processor core operable to execute the loaded code partition to perform processing of packets and to generate migration requests for transferring packet processing operations from the loaded code partition;

a context manager operable to receive a migration request from one of the loaded code partitions executing within one of the processor cores, the migration request comprising packet context information and identifying a target one of the code partitions, the context manager further operable, in response to the migration request, to identify an available one of the processors having the target code partition loaded, and to communicate the packet context to the available one of the processors;

wherein the context manager maintains a plurality of queues each corresponding to one of the code partitions, the context manager further operable, in response to the migration request, to place migration data comprising the packet context information into the queue associated with the target code partition, to monitor the queue associated with the target code partition, and upon determining that one of the processors having the target code partition loaded is available for processing, to communicate the packet context information to the available one of the processors.

Among other aspects, *Melvin*, *Johnson*, and *Bunce*, both alone and in combination, fail to disclose, teach, or suggest a context manager operable "in response to the migration request, to identify an available one of the processors having the target code partition loaded," as recited by Claim 1. The Examiner concedes that "Melvin does not disclose the loading and unloading of code partitions." *Final Office Action*, p. 12. Instead, the Examiner asserts that "one of ordinary skill in the art would clearly understand that if a processor is available, it inherently has the code partition loaded." *Final Office Action*, p. 12. Applicant respectfully submits that a non-busy processor with a code partition loaded does not teach or suggest identifying an available processor having a **target code partition included in a migration request**, as Claim 1 requires. *Johnson* and *Bunce* fail to remedy the deficiencies of *Melvin*. As a result, the proposed *Melvin*, *Johnson*, and *Bunce* combination fails to disclose a context manager operable "in response to the migration request, to identify an available one of the processors having the target code partition loaded."

Independent Claims 20, 29, 38, and 47 include elements that, for reasons substantially similar to those discussed above with respect to Claim 1, are not disclosed, taught, or suggested by the cited references. Claims 1, 20, 29, 38, and 47 are thus allowable for at least these reasons. Applicant respectfully requests reconsideration and allowance of Claims 1, 20, 29, 38, and 47 and their respective dependent claims.

B.   Claims 7, 8, 12, 26, 28, 34, 36, and 45 are patentable over the *Melvin-Johnson-Bunce-Alam* combination

The Examiner rejects Claims 7, 8, 12, 26, 28, 34, 36, and 45 under 35 U.S.C. § 103(a) as unpatentable over *Melvin*, *Johnson*, and *Bunce* and further in view of U.S. Patent No. 7,340,535 to Alam ("*Alam*").

As described above, *Melvin*, *Johnson*, and *Bunce* fail to teach or suggest each and every limitation of independent Claims 1, 20, 29, and 38. Accordingly, *Melvin*, *Johnson*, and *Bunce* fail to teach or suggest each and every limitation of Claims 7, 8, 12, 26, 28, 34, 36, and

45 because these dependent claims incorporate the limitations of their respective independent claims. *Alam* fails to remedy the deficiencies of *Melvin*, *Johnson*, and *Bunce*.

Thus, *Melvin*, *Johnson*, *Bunce*, and *Alam* whether taken alone or in combination, fail to teach or suggest each and every limitation of Claims 7, 8, 12, 26, 28, 34, 36, and 45. Because the references fail to teach or suggest each and every limitation of the claims, Applicant respectfully requests reconsideration and allowance of Claims 7, 8, 12, 26, 28, 34, 36, and 45.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

No fees are believed to be due, however, the Commissioner is hereby authorized to charge any fees or to credit any overpayments to **Deposit Account No. 02-0384 of Baker Botts L.L.P.**

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant

Kurt M. Pankratz
Reg. No. 46,977
(214) 953-6584

Date: March 16, 2009

CORRESPONDENCE ADDRESS:

Customer Number: **05073**